

REMARKS

This application has been amended by correcting the specification and rewriting claim 11. Original claims 1-11 remain in the application for reconsideration.

The Examiner objected to the specification because of an informality. A typographical error on page 6 of the specification has been corrected, and it is believed that this objection has been overcome.

The Examiner rejected claims 1, 7 and 11 under 35 USC 103(a) as being unpatentable over Arbiter (#4,218,952) in view of Sassmannshausen et al. (#5,561,255). This rejection is respectfully traversed.

While the applicant agrees that Arbiter discloses a drum hoop (20), with an inward face, an outward face, and upper and lower edges, he must disagree with the Examiner's assertion that Arbiter discloses "a plurality of parallel visual guidelines formed on the inward face of the ring, said guidelines positioned parallel to the reference plane." The Examiner directs attention to Col.5, lines 19-23 in support of this assertion. It is believed that a careful review of the Arbiter disclosure must lead to a completely different conclusion.

Arbiter does not disclose any reference lines for evenly tuning the drum head to a particular pitch, as suggested by the Examiner. Rather, once tuned the Arbiter device maintains the previously set tuning when tensioned to another pitch (See Col. 4, lines 64-68). Thus, Arbiter provides no assistance in the original tuning of the drum head to ensure a uniform stretching and tuning of the

head. It simply ensures that the particular settings of the drum head are maintained as the entire drum head is shifted to a different pitch.

This is further addressed in the first full paragraph of Column 5, where the patentee discloses the method for tuning the drum head by adjusting set screws 50. The applicant provides an apparatus to ensure that the drum head is evenly stretched across each of the set screws 50 shown in Arbiter. This is accomplished by a series of parallel guidelines on the inward face of the hoop, so that the drummer can visually see that the drum head surface is parallel to a guideline (and thus uniformly stretched) or not. Arbiter neither discloses nor suggests any such guidelines to visually check for even tuning of the drum head at each of the set screw points. No such guidelines are found in the drawings, nor are they described in the specification.

The paragraph that the Examiner refers to (Col. 5, lines 19-23) refers to something completely different than the applicant's invention. As specifically stated in lines 21-23, a "required degree of tension" may be obtained by "rotation of the counter hoop to the required gauge reading." This must refer to the overall tension of the drum head, in adjusting the entire head from one pitch to another. This interpretation has further support in lines 29-31 of Column 5, where Arbiter describes the advantage of his invention as follows: "this permits obtaining a drum head tension which would not have been possible in the earlier designs." (Emphasis added). Thus, it is clear that the "desired degree of tension" mentioned in this paragraph relates to the overall tension of the drum head, and not the even tuning of the drum head at each set screw.

The cam and pinion apparatus disclosed and claimed in Arbiter does not provide for separate fine adjustment at each bolt around the drum head. Rather, this is provided by the set screws 50, discussed above. Because the overall tension of the drum head is adjusted by rotating the counter hoop relative to the drum shell, it is clear that the "reference mark" on the counter hoop is rotated along a scale marked on the shell until the desired degree of tension is achieved. These marks must therefore be parallel to the axis of the drum, rather than parallel to the "reference plane" described in the applicant's claims. Arbiter's device is thus directed to overall adjustment of the drum head between pitches (which may be measured using the scale mentioned), while the applicant's device is directed to the task of uniform stretching of the head around the periphery of the drum head. The guidelines that would be used for each of these tasks are different. For this reason, Arbiter neither discloses, nor suggests, the guidelines specifically claimed by applicant.

In fact, the only way the Examiner could possibly assert that Arbiter discloses reference guidelines orientated parallel to a reference plane (as claimed by applicant), is to review the applicant's disclosure and apply the teachings of applicant to Arbiter by hindsight. Without this, there is absolutely no disclosure or suggestion to orient guidelines in the manner claimed by applicant.

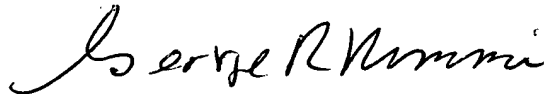
Claim 11 has been amended to clarify the fact that the invention relates to the even tuning of the drumhead on the drum, rather than adjusting the pitch of a tuned drum head (as is set forth in the Arbiter patent). For all of the reasons

above, it is believed that claims 1 and 7, as originally filed, and claim 11, as amended, are allowable.

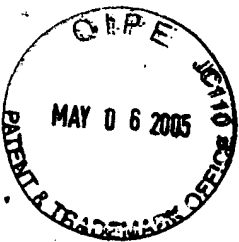
The Examiner rejected claims 2, 5, 6, 8, and 10 under 35 USC 103(a) as being unpatentable over Arbiter in view of Sassmannshausen et al., and further in view of Light (#4,188,852). Claims 3-4 and 9 were rejected under 35 USC 103(a) as being unpatentable over Arbiter in view of Sassmannshausen et al., and further in view of Light and Walker. Because all of these claims depend from independent claim 1,7 or 11, which are believed allowable, it is believed that these dependent claims are also allowable.

For the reasons above, it is believed that this application is now in condition for allowance. Reconsideration of the rejections is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "George R. Nimmer".

George R. Nimmer
Registration No. 21,004
Attorney of Record




CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that the original AMENDMENT for application Ser. No. 10/668,540 to LUCAS JACOBSON enclosed herewith, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

on this 4th day of May, 2005.



Mark Frederiksen